IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION NO: 12505 of 2005**

Between:

1 R. Veeramani, S/o. Rangaswamy,
R/o. D.No.8, 2nd Street, Ganapathi Colony, Gopal Puram, Chennai –

86, Rep. by its GPA HOlder Mr. V. Nagarajan.
2 G.B.R. Minerals, Rep. by its Proprietor, R. Gunasekharan, S/o. Late

G. Raju, R/o. Plot No.4, Euro Flat No.22, Purumalkoir, Ist Street,

Kottur, Chennai - 86, Rep. by its GPA HOlder Mr. V. Nagarajan.

**..... PETITIONERS**

A N D

1 Director of Mines & Geology, Andhra Pradesh, Hyderabad.
2 Assistant Director of Mines and Geology, Andhra Pradesh,

Hyderabad.
3 The District Collector, Khammam District, Khammam.
4 The Mandal Revenue Officer, \Mudigonda Mandal,
Khammam District.
5 Dhanala Venkata Ramana, S/o. Peraiah,
R/o. H.No. 4-2-151/2, Srinivasa Nagar, Khammam.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the report dt.16-5-2005 furnished by the 4th respondent to the 1st respondent as illegal, arbitrary and unjust besides being contrary to G.O.Ms.No.181 I & C (Mines) Department, dt.28-5-1998 by issuing any appropriate Writ of Mandamus order or direction.

**Counsel for the Petitioner: MR.M.V.S.SURESH KUMAR**

**Counsel for the Respondents: GP FOR MINES AND GEOLOGY**

*The Court at the stage of admission made the following***:** (order follows 2nd page)

O R D E R:

This writ petition is filed questioning the report furnished by the fourth respondent in Rc.No.B/311/2005 dated 16-5-2005 to the first respondent with regard to grant of quarry lease for black granite in survey no.96/A to an extent of 2.300 Hectares situate at Pandregupalli village of Mudigonda Revenue Mandal of Khammam district.

The main contention of the learned counsel for the petitioners is that the report submitted by the fourth respondent to the first respondent is illegal, arbitrary and contrary to G.O.Ms.No.181 Industries and Commerce (Mines) Department, dated 28-5-1998 on the ground that the first respondent did not consider the category of land or availability of land in survey no.96 to grant quarry lease and he has given a finding that the fifth respondent is the rightful owner in respect of Acs:6-33 gts., of land in survey no.96 of Pandregupally village. Moreover, the fifth respondent has no power or authority to adjudicate upon the title in respect of any land and that copy of report submitted by the fourth respondent was not submitted to the Collector as required under clause 3 of the said G.O. and therefore, the action of the fourth

respondent is vitiated on this ground alone.

He contended that the Mandal Surveyor has verified the spot along with adjoining land and prepared location sketches with reference to revenue records and the title of the individual over land and that joint inspection was conducted by Mandal Surveyor with Surveyor of Mining Department on 13-5-2005 but the petitioner did not have any notice of their alleged visit or inspection made by the two officers and so also the Mandal Revenue Officer. The impugned report of the fourth respondent goes to show that quarry lease was granted to the second petitioner in the year 1994 by the Dy.Director of Mines and Geology, Warangal and the area shown by the fifth respondent was partly overlapping with the existing leased area of GBR Minerals and in that context the report was sought for. But the report favours the fifth respondent, as if he got title in respect of Acs:6-33 gts., in sy.no.96.

The learned counsel for the petitioner lastly contended that the above G.O.Ms.No.181 shows that on the basis of the report of the fourth respondent, the first respondent will pass orders granting lease. If the report is vitiated, there would be no basis to grant mining lease in favour of fifth respondent and it will result in anomalous situation causing grave and irreparable loss to the petitioner, since quarry lease is already granted to the second petitioner in respect of Acs:2-90 cts., in sy.no.96 wayback in the year 1994 itself. Moreover, the petitioners have invested several lakhs of rupees and doing quarry operations in sy.no.96 for the last eleven years and if the report of the fourth respondent is to form basis for grant of quarry lease in favour of fifth respondent then the petitioners would be put to untold hardship.

Heard the learned counsel for the petitioners as well as the learned Govt.Pleader for Mines and Geology.

After hearing both sides and on perusal of the material placed on record, I am not able to appreciate the contentions raised by the learned counsel for the petitioner with regard to the contents of the report furnished by the fourth respondent to the first respondent and seeking to set aside the same on the ground that the report of the fourth respondent is contrary to the said G.O.Ms.No.181. The said report was called for by the licensing authority before granting mining lease and it is for the licensing authority to consider or not to consider the report. If the license is granted for any reason and if there is any overlapping, the petitioners are entitled to question the same in the court below if they are so aggrieved. At this stage, it is not desirable to go into the merits of the report submitted by the fourth respondent to the first respondent. The writ petition fails and is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

JUNE15th, 2005. ----------

I S L. ELIPE DHARMA RAO , J.

To

1 The Director of Mines & Geology, Andhra Pradesh, Hyderabad.
2 The Assistant Director of Mines and Geology, Andhra Pradesh,

Hyderabad.
3 The District Collector, Khammam District, Khammam.
4 The Mandal Revenue Officer, \Mudigonda Mandal,
Khammam District.
5 Two C.Cs. to G.P. for Mines and Geology, High Court Buildings, High

Court of A.P., Hyderabad (OUT)

6 1 CC to MR.SURESH KUMAR

7 Two CD Copies.